

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDWIN VAZQUEZ,

Movant,

-v.-

UNITED STATES OF AMERICA,

Respondent.

22 Civ. 2961 (KPF)

13 Cr. 869 (KPF)

**ORDER DIRECTING  
PETITIONER'S ATTORNEY  
TO FILE AN AFFIDAVIT**

KATHERINE POLK FAILLA, District Judge:

WHEREAS Edwin Vazquez has moved for relief from his sentence pursuant to 28 U.S.C. § 2255 on the ground that his former attorney, David Andrew Gordon, provided ineffective assistance of counsel; and

WHEREAS the Court, after reviewing the motion papers following Mr. Vazquez's submission of his informed consent waiver of the attorney-client privilege, is satisfied that the testimony of Mr. Gordon is needed in order to allow the Government to respond to the motion; and

WHEREAS by making the motion, Mr. Vazquez has waived the attorney-client privilege as a matter of law,

IT IS HEREBY ORDERED that Mr. Gordon shall give sworn testimony, in the form of an affidavit, addressing the allegations contained in Mr. Vazquez's declaration, dated June 7, 2022, which addresses the timeliness of his 2255 petition. (13 Cr. 869, Dkt. #76).

The Government will have 30 days from the receipt of Mr. Gordon's affidavit to submit its response to the pending petition.

The Clerk of Court is directed to mail a copy of this Order to the individuals listed below the Court's signature.

SO ORDERED.

Dated: July 13, 2022  
New York, New York



KATHERINE POLK FAILLA  
United States District Judge

***By ECF and First Class Mail To:***

Edwin Vazquez  
65285-019  
FCI McDowell  
P.O. Box 1009  
Welch, WV 24801

David Andrew Gordon, Esq.  
40 Fulton Street, 17th Floor  
New York, NY 10038

Richard Alan Cooper  
U.S. Attorney's Office, SDNY  
One Saint Andrew's Plaza  
New York, NY 10007